

## **IC 8-1-29**

### **Chapter 29. Telecommunications Customers**

#### **IC 8-1-29-1**

##### **"Customer" defined**

Sec. 1. As used in this chapter, "customer" means a person to whom telecommunications services are provided.

*As added by P.L.92-1998, SEC.2.*

#### **IC 8-1-29-1.3**

##### **"Letter of agency" defined**

Sec. 1.3. As used in this chapter, "letter of agency" means a written statement that a customer signs that authorizes a change to that customer's primary interexchange carrier or primary local exchange carrier.

*As added by P.L.135-1999, SEC.1.*

#### **IC 8-1-29-1.5**

##### **"Preferred carrier change order" defined**

Sec. 1.5. As used in this chapter, "preferred carrier change order" means a request to change a customer's telecommunications provider.

*As added by P.L.135-1999, SEC.2.*

#### **IC 8-1-29-2**

##### **"Telecommunications" defined**

Sec. 2. As used in this chapter, "telecommunications" means the electronic transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information sent and received. The term does not include commercial mobile radio service (as defined in 47 U.S.C. 332).

*As added by P.L.92-1998, SEC.2. Amended by P.L.135-1999, SEC.3.*

#### **IC 8-1-29-3**

##### **"Telecommunications provider" defined**

Sec. 3. As used in this chapter, "telecommunications provider" means a person that provides telecommunications service.

*As added by P.L.92-1998, SEC.2.*

#### **IC 8-1-29-4**

##### **"Telecommunications service" defined**

Sec. 4. As used in this chapter, "telecommunications service" means making telecommunications available to the public for a fee.

*As added by P.L.92-1998, SEC.2.*

#### **IC 8-1-29-5**

##### **Unauthorized switching of providers or billing for services**

Sec. 5. A customer of a telecommunications provider may not be:

- (1) switched to another telecommunications provider unless the customer authorizes the switch; or

- (2) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order.

*As added by P.L.92-1998, SEC.2.*

#### **IC 8-1-29-5.5**

##### **Confirmation of preferred carrier change order required**

Sec. 5.5. A telecommunications provider may not submit a preferred carrier change order unless the order has first been confirmed in accordance with one (1) of the following procedures:

- (1) The telecommunications provider has obtained the customer's written authorization through a letter of agency.
- (2) The telecommunications provider has obtained the customer's electronic authorization:
  - (A) to submit a preferred carrier change order; and
  - (B) placed from a telephone number on which the telecommunications service is to be changed.

A call to the telecommunications provider under this subdivision must connect the customer to a voice response unit or a similar mechanism that records the required information regarding the preferred carrier change, including automatically recording the automatic number identification.

- (3) An appropriately qualified and independent third party has obtained the customer's oral authorization to submit the preferred carrier change order. Such an authorization must confirm and include appropriate verification of the customer's identity.

- (4) Any other procedure approved by the commission.

*As added by P.L.135-1999, SEC.4.*

#### **IC 8-1-29-6**

##### **Adoption of rules**

Sec. 6. The commission shall adopt rules under IC 4-22-2 to implement IC 8-1-29-5.5. The commission's rules shall ensure that a customer of a telecommunications provider is not:

- (1) switched to another telecommunications provider without the customer's authorization; or
- (2) billed for additional services by a telecommunications provider that without the customer's authorization added the services to the customer's service order.

The rules adopted under this section must be consistent with rules adopted by the Federal Communications Commission concerning verification procedures for the switching of a customer's telecommunications provider.

*As added by P.L.92-1998, SEC.2. Amended by P.L.135-1999, SEC.5.*

#### **IC 8-1-29-7**

##### **Complaints; hearings**

Sec. 7. A complaint may be filed with the commission by any of the following:

- (1) A customer of a telecommunications provider who has been:
  - (A) switched by one (1) telecommunications provider to another telecommunications provider without the customer's authorization; or
  - (B) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order.
- (2) A telecommunications provider that has been removed as a customer's telecommunications provider without the customer's authorization.
- (3) The commission on its own motion.
- (4) The office of the utility consumer counselor.

A hearing held on a complaint filed under this section must be consistent with IC 8-1-1-8.

*As added by P.L.92-1998, SEC.2. Amended by P.L.135-1999, SEC.6.*

### **IC 8-1-29-7.5**

#### **Civil penalties**

Sec. 7.5. (a) If after notice and hearing the commission finds that a telecommunications provider has violated:

- (1) section 5 of this chapter; or
- (2) rules adopted under section 6 of this chapter;

the commission may impose a civil penalty of not more than two thousand five hundred dollars (\$2,500) for each offense.

(b) The secretary of the commission shall deposit civil penalties collected under subsection (a) in the state general fund.

*As added by P.L.65-1999, SEC.1.*

### **IC 8-1-29-8**

#### **Referral of violations to attorney general as deceptive acts**

Sec. 8. The commission may refer a violation of section 5 of this chapter or rules adopted under section 6 of this chapter to the attorney general as a deceptive act. If a violation of section 5 of this chapter or rules adopted under section 6 of this chapter is referred to the attorney general as a deceptive act, the person who commits the violation commits a deceptive act that is actionable by the attorney general and the customer and is subject to the remedies and penalties under IC 24-5-0.5.

*As added by P.L.92-1998, SEC.2.*